

Town of Amenia  
Comprehensive Plan Implementation Committee  
May 1, 2006

Present: Mark Doyle, Chairman, Rudy Eschbach, Bill Flood, Darlene Riemer, Tony Robustelli.

Residents and guests attending included: Linda and Jack Gregory, Vince Pascucci, (The Pines restaurant), Frankie O'Connell. Pat Nelligan, Pete Clair, Bob Houlihan, Bethany Ralph, Esq., Tom Werner

The meeting opened with the reading and approval of the April 17 minutes.

An e-mail from J. Russell was introduced (see below) and M. Doyle handed out copies of letters written by residents after the April 22 Town meeting.

- > It would be helpful to me if CPIC could sift through the comments
- > received thus far and do the following:
- >
- > 1. List specific changes in the proposed zoning law that CPIC wants to
- > see made based upon comments and your own further thinking.
- >
- > 2. List questions that have been raised by commenters, or that have
- > occurred to you, for discussion amongst yourselves and with me.
- >
- > 3. List issues where you think it may be advisable to make a change,
- > but where CPIC is divided and needs to have further discussion.
- >
- > 4. List requested changes that CPIC agrees should not be made, with a
- > brief reason for your decision.
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It was decided to table the discussion of the letters until the committee had time to study them.

On Friday, May 5 at 11:00 am, the Committee will meet with Patrick Pennell for a tour of Amenia. Mr. Pennell, a town planner recommended by J. Russell, will produce a series of renderings of the area north of the rte 22/44 intersection up to Foodtown Plaza. The renderings will be available for discussion at the May 22 CPIC meeting with J. Russell and will be further discussed on June 12.

D. Riemer said that people were not clear about the meaning of district designations and suggested brief weekly Public Service announcements in local papers which will serve to explain them. D. Riemer and M. Doyle will call the publishers to explore their willingness to print them

free of charge.

Also, as J. Russell will begin writing the third draft of the zoning laws after May 22, it was decided to request that all public comment be submitted prior to that date.

M. Doyle opened the floor for questioning.

Jack Gregory asked what would happen should he decide to sell his business and the new owner wanted to establish a different type of business. M. Doyle said that since the auto shop is in an HM (Hamlet Mixed Use) district any retail business is permitted by right, only a Site Plan Review from the Planning Board would be required. Linda Gregory asked why there are so few areas designated HC - M. Doyle said that HC (Highway Commercial) is designed for businesses which need extensive large truck or auto access (such as a gas station or crop production).

Vince Pascucci asked why The Beanery (a restaurant) is included in the HC district and his restaurant (The Pines) is not. D. Riemer said that the HC designation might have been in error for the area and that HM would be preferable as it is more flexible and allows an apartment over the restaurant. M. Doyle then read the section in the draft which explains the HM designation the purpose of which is the expansion of the village center in a people-oriented rather than car-oriented manner. L. Gregory suggested including the word 'commercial' in the HM language and M. Doyle agreed that this will be considered.

(During the minute or two many people spoke simultaneously and it is impossible to determine on the tape who said what.)

Frankie O'Connell expressed her impression that the Committee wanted to prevent commercial development on Route 22. R. Eschbach said that all the Committee tried to do was control development to avoid creating a strip mall - this could possibly be achieved by establishing businesses which would be set back from the road, reachable by way of a long driveway. M. Doyle added that there are provisions for development in the new proposal and Patrick Pennell will undertake to show various possibilities in his renderings. He also said that new structures have to be in compliance with established architectural guidelines so as not to lose the historic character of the hamlet.

D. Riemer said that the preservation of existing buildings can be restrictive and sections in the new zoning referring to that issue have to be more clearly defined. Pat Nelligan said that part of the original outline was to preserve the historic character of all six hamlets. M. Doyle said that, as the historic boundary was essentially the same as

the HM boundary and language has to be added to make certain that historic protection is included in the definition of HM districts.

M. Doyle tried to clear up questions regarding the Comprehensive Plan update: J. Russell plans to re-write the action amendments as a Comprehensive Plan update, and present it , simultaneously, with the new zoning to SEQOR and to the Town Board for approval. There will be time for Public Comment before that happens.

P. Nelligan questioned the legality of creating zoning laws based on something which has never been approved.

(Attention Mark and Committee members - it is not clear to me exactly what Nelligan was saying here there was a good deal of back-and-forth hollering - please add and correct according to your understanding.)

M. Doyle said that the Committee has been guided throughout by the 1991 Comprehensive Plan and by the Action Amendments.

Pete Clair asked for definition of the letters 'P' (permitted by right) and 'S' (special permit from the Planning Board) and of the designation 'Service Business' . He was referred to the definitions at the back of the draft (Page 115). He also wanted to know, if the OC designation would prevent him from developing a property he owns as it states that the minimum lot size required is 2 acres ( his parcel is only 1 1/2 acres ) and that only 50% may be developed.. R. Eschbach said that during his three years on the Zoning Board no one has ever been turned down - however, a variance and a site plan are required. M Doyle added that the percentage refers to impervious coverage only. Interlocking paving blocks, which are not fully impervious, allow some flexibility.

Bethany Ralph asked why J. Russell announced on April 22 that the Committee had decided not to create a gravel mining overlay zone contrary to what she had understood its position to be at the April 17 and earlier meetings. Bob Houlihan added that he had repeatedly expressed willingness to cooperate with the Committee in every way and that he, too, was under the impression that the property he represents would be included in a mining overlay zone. M. Doyle replied that the Committee was following legal advice from Joel Russell. A lengthy discussion followed reiterating many of the issues raised in earlier meetings. Below is a copy of an e-mail from Joel Russell which was received on May 2nd and which responds to both inquiries.

- > As we discussed on the telephone, I wanted to report to you, for
- > submission to the full CPIC, my thoughts on mapping new mine sites in
- > the Soil Mining Overlay district. While I thought originally that
- > this would be a permissible thing to do, after further thought and
- > after hearing about the Town's history of litigation over this issue,

> I realized that it was not.  
> The reason is that once land is mapped in the SMO District, mining  
> becomes a  
> permitted use. In order to make this happen, there must be an  
> extensive SEQR review, including an EIS for any large-scale mining  
> operation. If we were to do this now for new sites, it would add  
> years and hundreds of thousands of dollars to the process of adopting  
> new zoning for the Town. I received a telephone call today from Kevin  
> Brown, Esq., who was retained by the owner of the property on Route 22  
> that Bob Houlihan has been discussing with us. Mr. Brown is an  
> attorney from Syracuse who specializes in soil mining regulation and  
> is an expert in this field. He agreed with my approach. He agreed  
> that it was appropriate to establish the mining overlay district  
> initially only for existing mines, with a provision that the SMO can  
> be subsequently mapped for new mines upon an application for rezoning  
> by an individual landowner. That landowner would take responsibility  
> for the SEQR process as part of a application for rezoning property to  
> the SMO classification.

Tom Werner asked about the Tax structure on mined land. M. Doyle said that the structure is nebulous. It should be based on 'current use' but that is not the case now. T. Werner said that his main concern is what happens when a mining company abandons a property, leaving behind what he referred to as a 'big whet hole'. M. Doyle said that the DEC has taken over the role of determining the degree of reclamation required i.e. whether a pond can be dug and to what depth. R. Eschbach added that the wish of the Town is to use these properties for agriculture or recreation, not business.

Alan Shope's property was briefly discussed and it was again stated that the Town should have a development plan in place rather than allowing developers and the State to impose their plans on the Town.

Pat Nelligan asked about the definition of 'Camp' and whether his property fits the description. M. Doyle asked what kind of camp he has in mind. P. Nelligan said he is thinking of a recreational facility, almost like a park, which would offer activities such as camping, hiking along nature trails, fishing, boating, picnicking as well as RV sites for vacationers. Raised platforms could be used so as not to disturb the wetlands and vegetation. D. Riemer pointed out that there is a category in the draft called 'Recreational Business' (page 13 of the Use Table). P. Nelligan suggested a possible 'tweaking' and combination of the 'Camp' and 'Recreational Business' definitions for his property which is unique and does not entirely fit either.

R. Eschbach and D. Riemer said they were approached after the April 22

meeting with the question of how the Town would feel about the establishment of an amusement park (Day Destination Resort) in the Resort Development Overlay district. The committee agreed that this was not a desired interpretation of the designation.

The next meeting is scheduled for Monday, May 8, 2006.

Submitted by Monique Montaigne  
May 6, 2006